A SECTION-BY-SECTION ANALYSIS OF H.R. 5324, A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT, AND FOR OTHER PURPOSES.

The first sentence of the bill provides that the Act may be cited by its short title -- the "Immigration and Nationality Act Amendments of 1965."

The remainder of the bill is divided into seven titles, as follows:

Title I	Annual Quota.
Title II	Liberalization of the preference system.
Title III	Modification of existing law relating to the admission of persecuted peoples.
Title IV	Addition of standards by which an alien may be admitted into the United States.
Title V	Restriction of the power of deportation.
Title VI	Liberalization of provisions for naturalization through service in the Armed Forces.
Title VII	Restriction of provisions relating to the loss of nationality.
Title VIII	Miscellaneous provisions.

TITLE I -- ANNUAL QUOTA

Section 2 amends section 201 (a) through (e) of the Immigration and Nationality Act, under which quotas for each country are determined. It revises the quota system, and establishes the annual quota as 1/6 of one percent of the population of the United States as determined by the latest official census. Such numbers are now determined - with certain exceptions - by the population of the United States in 1920.

Distribution of the quota numbers would be on the basis of a new formula. Each country would have at least 200 numbers available, rather than the present 100. The remaining numbers would be distributed among the several quota areas in proportion to the actual immigration into the United States between July, 1924 and July, 1964, but not to any country with unused quotas during that period. Existing law provides that such distribution shall be made according to the national origins within the United States population in 1920 (except those allocations made to quota areas within the Asia-Pacific Triangle or those countries receiving the minimum quote of 100). This provision of the bill markedly changes the existing law and substitutes a new concept for the former national origins concept of quota allocations.

Section 201 (b), which prescribes the technical method by which quotas are determined and proclaimed, is amended by eliminating from this procedure the Secretary of Commerce and the Attorney General. It is similar to existing law except that in the bill, only the Secretary of State determines the annual quotas.

Section 201 (c) establishes a formula by which such numbers are made available during the year -- 10% each month, except that the last two months of the year will have no limitation. It is similar to existing law.

Section 201 (d) states that nothing in the Act shall prevent the issuance of an immigrant visa to an immigrant as a quota immigrant even though he is a non-quota immigrant. The bill is the same as existing law.

Section 201 (e) of the Immigration and Nationality Act is amended substantially. Under terms of the bill, four quota regional pools - Europe, Asia, Africa, and Australasia - are established. Unused quotas from one area can be assigned to the regional pool in which the area is located and then reassigned to other areas in that region which have over-subscribed lists. Boundaries of the regional pools are to be determined by the Secretary of State. In the existing law, no such provisions exist -- unused quotas for one country cannot be assigned to another country having a waiting list, (Sec. 207). This provision completes the process of superseding the national origins concept of quota allocations.

Section 3 of the bill provides for the charging of quotas of colonies to the governing country. It eliminates the maximum limitation of 100 which presently applies to the sub-quota areas; provides that no limitation applies -- an unlimited amount may be charged against a governing country.

Section 4 abolishes certain provisions regarding the quota changeability of aliens who are attributable by one-half ancestry to people indigenous to the Asia-Pacific Traingle (Sec. 202 (a)(5) and Sec. 202 (b) are repealed). Such aliens are now charged to this area regardless of their place of birth.

TITLE II -- LIBERALIZATION OF THE PREFERENCE SYSTEM.

Section 5 of the bill establishes a liberalized preference system for the allocation of immigrant visas within quota areas. The first preference allots 50% of the quota to those whose services are "especially advantageous" to the United States because of education, technical training, specialized experience or exceptional ability of the immigrant. Present law (Sec. 203 (a)) requires that such skills be needed urgently before the person is entitled to a preference.

Parents of U.S. citizens, who under present law are 2nd preference, are made non-quota. The bill would allot 20% of the quota to qualified quota immigrants who are the unmarried sons or daughters of citizens of the United States.

A new preference is established allocating 10% of the quota to qualified immigrants who are the brothers, sisters, married sons or married daughters of citizens. The law now provides no specific allocation to such a preference.

This section also allows a special preference to qualified quota immigrants capable of performing specified functions for which a shortage of employable and willing persons exists in the United States.

Section 6 makes conforming amendments to section 205 (b), necessitated by the liberalized preference classes.

TITLE III -- MODIFICATION OF EXISTING LAW RELATING TO THE ADMISSION OF PERSECUTED PEOPLES.

Section 7 (a) of the bill amends section 212 (d) of the Act (which grants the Attorney General authority to parole aliens into the United States) by adding a new subparagraph (B) which defines the term "escapee" as any alien who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee from any Communist, Communist-dominated or Communist-occupied area or from any country within the general area of the Middle East, and who cannot return to such area or country on account of race, religion, or political opinion, or who is out of his usual place of abode because of a national calamity, military operation, or political upheaval, and who is in a country or area which is neither Communist nor Communist-dominated and who has not firmly resettled and is in urgent need of assistance for the essentials of life. It authorizes the President, whenever he finds that a situation has arisen creating a class of escapees to direct the Attorney General by proclamation to parole into the United States such refugees selected by the Secretary of State. The Attorney General is further authorized in the absence of a Presidential proclamation to parole up to 15,000 refugees into the United States in a fiscal year upon selection by the Secretary of State.

Subsection (b) of section 7 of the bill adds a new paragraph to section 212 of the Act, authorizing the Attorney General upon application of an alien paroled into the United States under section 212 (d) (5) to adjust his status to that of an alien lawfully admitted for permanent residence. If the Attorney General is satisfied that the alien has remained in the United States for at least two years, is a person of good moral character, and that such action is not contrary to the national welfare, safety, or security, he may record the alien's admission for permanent residence as of the date of the alien's last

arrival. The Attorney General must submit a complete report to Congress in the case of each alien whose status is adjusted. Either the Senate or the House of Representatives may pass a resolution disapproving the adjustment of status prior to the close of the following session of Congress, in which case the alien will be required to leave the United States in the manner provided for in existing law. If neither House of Congress passes such a resolution within that time, the alien's status will be adjusted as of the date of his last arrival. The number so admitted shall not exceed 25,000 in any fiscal year.

This provision also applies to all persons who have been paroled into the U.S. prior to enactment of this bill.

TITLE IV -- ADDITION OF STANDARDS BY WHICH AN ALIEN MAY BE ADMITTED INTO THE UNITED STATES.

Section 8 amends section 212 (g) to provide that an alien who has served honorably in the United States armed forces in time of war or during a period of national emergency, or is a spouse, child, parent, brother, sister, unmarried son or daughter of a citizen of the United States or is authorized to perform the ministerial or priestly functions of a recognized religious denomination, may be admitted into the United States in the discretion of the Attorney General, if such admission would not be contrary to the national interest, safety or security. None of the classes of aliens normally ineligible to receive visas are excluded from admission under this provisin, except the following:

Persons who are:

1. Likely to engage in immoral activity, 212 (a) (13);
2. Engaged in activities for which sufficient workers exist in the U.S., 212 (a) (14);
3. Likely to become a public charge, 212 (a) (15);
4. Ineligible to receive citizenship, 212 (a) (22);
5. In violation of narcotic laws, 212 (a) (23);
6. Seeking to engage in activity to endanger the welfare, safety or security of the U.S., 212 (a) (27); and
7. Likely to engage in subversive activity, 212 (a) (28).

TITLE V -- RESTRICTION OF THE POWER OF DEPORTATION.

Section 9 of the bill states that deportation of an alien may be prevented if he meets the same requirements of Section 8 and his stay here would not be contrary to the national interest, safety, or security.

Section 10 makes the definitions of section 101 (a) and (b) applicable to the administration of Sections 8 and 9.

Section 11 establishes that a numerical limitation on the number of aliens who shall be granted the status of aliens lawfully admitted for permanent residence pursuant to these two sections (8 and 9) shall not exceed 5000.

TITLE VI -- LIBERALIZED PROVISIONS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES.

Section 18 makes extensive revisions in the provisions of Section 328, relating to naturalization through service in the armed forces of the United States. Liberalization is accomplished by allowing an alien who has served honorably in the armed forces for at least three years to be naturalized as a United States citizen regardless of his age or physical presence in the United States. No fee, except as required by state law, shall be necessary. Section 329 is abolished.

If such service was not continuous, then he may take advantage of these provisions during any period within five years after service in the armed forces.

Petition for naturalization need not show lawful admission for permanent residence if the termination of such service was more than one year preceeding the petition for naturalization.

Proof of the petitioner's good moral conduct, attachment to the principles of the Constitution and favorable disposition toward the good order and happiness of the United States must be proved by authenticated copies of records of the executive department.

If separation from the service was before the necessary three-year period, but because of a disability, then such three-year period is waived.

The three-year length of service will not be applicable to persons whose service was rendered during the following periods:

from April 21, 1898 to August 12, 1898;
from April 6, 1917, to November 11, 1918;
from September 1, 1939, to December 31, 1946;
from June 24, 1950, to July 1, 1955;

and who is separated from the armed forces under honorable conditions.

If the petitioner was separated from the armed forces because of alienage, he will not be entitled to the provisions of this section.

Citizenship acquired under this section may be revoked if subsequent to the naturalization the person is separated from the armed forces of the United States under a discharge not under honorable conditions.

Section 18 (b) of the bill repeals section 329, thus making the provisions for naturalization under this section applicable to all regardless of when such service was rendered.

Section 18 (c) is a conforming section.

TITLE VII -- RESTRICTION OF PROVISIONS RELATING TO THE LOSS OF NATIONALITY.

Section 19 repeals sections 352, 353, and 354 of the Act. This section implements the recent Supreme Court decision of Schneider v. Rusk. It is no longer lawful for a naturalized citizen to be deprived of his citizenship simply by residing in the country of his former nationality for a period longer than three years.

TITLE VIII -- MISCELLANEOUS PROVISIONS.

Section 12 of the bill amends section 101 (a) (27) (A) of the Act, which grants non-quota status to spouse and children of a United States citizen, to extend non-quota status to parents of United States citizens as well, if such citizen is at least 21 years of age.

Section 13 amends section 101 (a) (27) (C) of the Act to extend non-quota status to an immigrant who was born in any foreign country on North, Central, or South America or in any island adjacent thereto or in the Canal Zone and the spouse and children of any such immigrant if accompanying or following to join him.

Section 14 adds a new proviso to section 223 (b) of the Act permitting the Attorney General to extend for up to three years the re-entry permit of an alien spouse or child of a member of the U.S. Armed Forces stationed abroad; and the permit of an officer or employee of the U.S. Government assigned abroad and his spouse and children.

Section 15 permits the naturalization of an alien -- who would be denied citizenship under section 313 of the Act -- if the Attorney General certifies that naturalization of the alien is in the interest of the United States.

Section 16 amends section 316 of the Immigration and Nationality Act by granting the same exemption from the residence requirements for naturalization to the spouse and children of the person entitled to such an exemption under section 316 of the Act. No period of State residence shall be required for persons who are in active service in the armed forces of the U. S.

Section 17 expands section 317 of the Act to include persons employed by certain eleemosynary or educational institutions as well as those performing religious duties. An alien who has been employed abroad for more than five years by a bona fide American educational, scientific, philanthropic or other non-profit organization advancing U.S. interests abroad may be naturalized in the United States by any court having naturalization jurisdiction. The alien must declare before the court an intention to reside in the United States once his employment abroad has ended. No prior residence or specified period of physical presence within the United States is necessary.